

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 19815 of 2007(H)

PETITIONERS:

1. K.A.ABDUL KHADER, AGED 65, S/O.LATE
SRI.K.AHMED AMMU, RESIDING AT HP 25, KKP NAGAR,
U.C.CLLEGE P.O., ALUVA, ERNAKULAM DISTRICT,
PIN 683 102.
2. K.A.HYDROSE, AGED 59, S/O.LATE
SRI.AHMED AMMU, RESIDING AT KAROTHUKUZHY HOUSE,
ASOKAPURAM, ALUVA, ERNAKULAM DIST. PIN-683 101.
3. KHADEEJA BHEEVI, AGED 55,
W/O.MR.K.A.ABDUL KHADER, HP 25, KKP NAGAR,
U.C.COLLEGE (PO), ALUVA, ERNAKULAM DISTRICT,
PIN-683 102.

BY ADV. SRI.SHAJI CHIRAYATH

RESPONDENTS:

1. KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION LIMITED, 2ND FLOOR, CHOICE TOWERS,
MANORAMA JUNCTION, ERNAKULAM. PIN-682 035,
REPRESENTED BY ITS MANAGING DIRECTOR.
2. DEPUTY TAHSILDAR (REVENUE RECOVERY)
ALUVA TALUK OFFICE, ERNAKULAM DISTRICT.

ADDL. RESPONDENTS:

3. KERALA FINANCIAL CORPORATION,
VELLAYAMBALAM, TRIVANDRUM,
REP. BY ITS MANAGING DIRECTOR.
4. BANK OF BARODA, ALUVA BRANCH,
REP. BY ITS SENIOR MANAGER, ALUVA,
ERNAKULAM DIST., PIN.683 101.

(ADDL. RESPONDENTS ARE IMPLEADED AS PER ORDER
DT.4.7.2007 IN I.A. NO.8929/2007)

R3 BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC

R1 BY ADV. SRI.M.PATHROSE MATTHAI (SR.)

SRI.SAJI VARGHESE
SRI.DEVAN RAMACHANDRAN
SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION AS SICK INDUSTRIAL UNIT.

P2: TRUE COPY OF DEMAND NOTICE ISSUED BY R1.

P3: TRUE COPY OF NOTICE U/S.7 OF THE R.R. ACT.

P4: .DO. U/S.34 OF R.R. ACT.

P5: TRUE COPY OF OBJECTION FILED BY PETITIONER PURSUANT TO EXTS.P3&P4.

P6: TRUE COPY OF ORDER IN CMP 31694 IN O.P. NO.19594/2001 ON THE FILES OF THIS HON'BLE COURT.

P7: TRUE COPY OF ONE TIME SETTLEMENT APPLICATION SUBMITTED BY THE COMPANY.

P8: TRUE COPY OF THE LETTER ISSUED BY R1.

P9: .DO.

P10: .DO.

P11: TRUE COPY OF ORDER IN C.P. NO.11/2001 ON THE FILES OF THIS HON'BLE COURT.

P12: TRUE COPY OF JUDGMENT IN O.P. NO.19594/2001 ON THE FILES OF THIS HON'BLE COURT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.19815 of 2007
.....

Dated this the 1st day of August, 2007.

JUDGMENT

The petitioners' industry turned sick and winding up application is pending before the Company Court. However, petitioners being promoters of the company have offered to settle liability due to respondents namely, KSIDC, KFC and Bank of Baroda. If petitioners offer settlement, I see no reason why OTS benefits should not be granted to the petitioners. The W.P. is accordingly disposed of directing KSIDC, KFC and Bank of Baroda to consider petitioners' application for OTS and communicate the incentives and balance liability to be paid and the timeframe within which payment has to be made for availing incentives, at the earliest. Since liability is in crores of rupees, there is no point in attaching and removing movables from petitioners' houses. Therefore, respondents are directed not to attach and remove household articles from petitioners' houses. However, respondents are free to retain charge over immovable properties.

C.N.RAMACHANDRAN NAIR

Judge

pms